

## **REMARKS**

The present amendment differs from the amendment after final filed June 26, 2006 only in that claims 13 through 30, which had been previously withdrawn, failed to comply with 37 C.F.R. § 1.121. These claims presently have been placed into form in compliance with this provision.

### **Amendments to Claims**

Claims 6 and 7 have been cancelled presently, and claim 8 has been amended to include the substantive limitations of claim 6, from which claim 8 originally depended. Claim 8 has further been amended to include an express limitation requiring coupling elements on the left and right side of at least one of the side protective portions, such coupling elements operating cooperatively (i.e., coupling to each other) to attach the left side to the right side *of the same side protective portion*, thereby securing the side protective portion around one of the chair's arms. This additional claim limitation clarifies the limitation presented in previously amended claim 6, namely, that at least one side protective portion includes means for securing itself around the arm of a chair by connecting the side protective portion's left side *to the same side protective portion's right side*.

Claim 8 has also been amended to include a final period.

As in claim 8, claim 35 has been amended to expressly reference coupling elements on the left and right sides of a side flap. The coupling elements releasably couple the placemat around the side arm of a chair by operatively connecting the coupling element contained on the left side of the side flap to the coupling element contained on the right side *of the same side flap*.

The drawings have been amended to show the skid resistant portions 100 as claimed in claim 10. This amendment to the drawings enters no new matter into the application.

### **Traversal of Rejection under 35 U.S.C. § 102**

As applicant and Examiner discussed during their telephone interview of June 13, 2006, the office action of May 18, 2006 did not address the claim element found in both claim 8 and 35 (and therefore in all claims through dependency) requiring that the side protective portions/side flaps be capable of coupling to themselves (i.e. the left side of a side flap coupling to the right side of the same side flap). Furthermore, as applicant and Examiner discussed during the telephone interview, neither Sugawara nor Hannigan disclose any structure for attaching any portion of their devices around an arm of chair *by attaching a left side of a side protective portion/side flap a right side of the same side protective portion/side flap*. To the extent that Hannigan discloses a “ribbon tie” on one side of a side protective portion, the reference discloses no means for attaching the “ribbon tie”*to the opposite side of the same side protective portion/side flap*. Thus, as Examiner recognized during the interview, Hannigan is inoperative in the manner suggested in the office action of May 18, 2006.

Even further removed from the present claims, Sugawara discloses *no coupling element at all* on either side of the disclosed “side protective portions” (which are actually napkins, not side protective portions). Instead, Sugawara discloses a loop attached to both the left and right side of the purported “side protective portions.” As Examiner recognized during the telephone interview, such loops cannot attach the left side of the side protective portion to the right side of *the same protective portion/side flap*, and so Sugawara, like Hannigan, is inoperative in the manner suggested in the office action of May 18, 2006.

Based on the foregoing – all of which was discussed during the telephone conversation but which the May 18 office action did not address<sup>1</sup> – applicant believes the claims as previously amended are patentably distinguishable over Hannigan and Sugawara; nonetheless, applicant has presented the current amendments to further clarify the claim limitation providing left and right sides of the same side protective portion/side flap capable of coupling to one another to secure the side protective portion/side flap around a chair's arm. More specifically, applicant has amended the claims to expressly require coupling elements on both the left and right side of the same side protective portion/side flap (e.g, complimentary hook-and-loop fabric, a pair of ribbon ties, an adhesive portion and matching receiving portion, etc.).

The present amendments provide both clear structure (coupling elements) and function performed by such structure (operatively connecting the left and right sides of the same side portion/side flap to secure it to an arm of a chair). None of the cited references, alone or in combination, disclose or suggest such structure or are operative to provide such function, and so the claims are allowable over such references.

#### **Traversal of Rejection Under 35 U.S.C. § 103**

Examiner further rejected several of the pending claims under 35 U.S.C. § 103 over Sugawara, alternately in view of Jones, Shoemaker and Ackerman. Because none the three additional references provide the claim elements lacking in Sugawara, the combination of Sugawara with Jones, Shoemaker and/or Ackerman does not render obvious any of the pending

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<sup>1</sup> Because the office action of May 18 did not address the claim limitations introduced by the previous amendments, and further because the present amendment places the application in condition for allowance as discussed during the telephone interview of June 13, the present Amendment and Response After Final Office Action is proper under 37 C.F.R. 1.116.

claims as presently amended. Examiner's attention is respectfully directed to applicant's previously filed Amendment and Response to Office Action of 12/6/2005, filed March 2, 2006, for a detailed argument regarding these references.

### Conclusion

For the foregoing reasons, applicant submits the references cited do not anticipate or render obvious, alone or in combination, the claims as presently amended. Applicant therefore respectfully requests that Examiner withdraw his rejections and allow the patent to issue.

Respectfully submitted,



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